

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NED CHARLES MCNULTY III,

Plaintiff,

v.

DET. LARRY SCHIMKE, *et al.*,

Defendants.

ORDER

Case No. 14-cv-391-bbc

Plaintiff Ned Charles McNulty, a patient at the Mendota Mental Health Institute in Madison, Wisconsin has filed a proposed complaint under 42 U.S.C. § 1983 alleging violations of his constitutional rights. Plaintiff requests leave to proceed without prepayment of the filing fee and has submitted a three-month resident account statement for the period of February 1, 2014 to April 30, 2014.

This court uses one method for determining the indigent status of all institutionalized persons, even those like plaintiff who are not subject to the 1996 Prison Litigation Reform Act, which requires plaintiff submit a certified copy of a resident account statement for the *entire* six-month period immediately preceding the filing of the complaint.

Plaintiff will have to provide a certified copy of his resident account statement for the entire six month period immediately preceding the filing of the complaint if he intends to pursue his request for leave proceed without prepayment of the filing fee. Because plaintiff's complaint was submitted on May 14, 2014, his certified resident account statement should cover the period beginning approximately November 14, 2013 and ending approximately May 14, 2014. If plaintiff fails to submit the required statement within the deadline set below, then I will assume that he wishes to withdraw this action voluntarily.

ORDER

IT IS ORDERED that plaintiff Ned Charles McNulty may have until June 23, 2014 to submit a certified copy of his resident account statement for the period beginning approximately November 14, 2013 and ending approximately May 14, 2014. If, by June 23, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 3rd day of June, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge